

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.3080 of 2022

Muktikanta Nayak

....

Petitioner

Mr.Basudev Pujari, Advocate

Versus

Biranjana Kumar Pati

....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

09.11.2022

Order No.

01.

(Through hybrid mode)

1. This application under Section 482 of Cr.P.C. has been filed by the petitioner with a prayer to direct the learned J.M.F.C., Balasore/the Court in seisin over I.C.C. No.955 of 2012 to conclude the trial within a specific period as the case is lingering since 2012.

2. Learned counsel for the petitioner submits that though the petitioner who is the complainant in the case has been following the case with due diligence and his evidence has been closed on 30.09.2015, but on account of dilatory tactics adopted by the accused – opposite party who has been repeatedly taking time in the case and on some occasions has failed to appear in the Court, for which N.B.W. of arrest has been issued and executed against him on four occasions, i.e., on 17.4.2015, 14.9.2017, 8.4.2019 and 15.11.2021 and bailable warrant on one occasion, i.e., 10.2.2015, but as he has been granted bail on all these occasions by the learned trial Court delaying completion of the trial, for which the petitioner is suffering unnecessary hardship.

3. From perusal of order dated 18.02.2022 while granting bail to the opposite party, the learned J.M.F.C., Balasore has observed that it was

the first instance when the accused Biranjan Kumar Pati has jumped bail which is not a fact as has been noted in the previous paragraph after perusing the order sheet of the learned Magistrate.

4. The CRLMC is therefore disposed of directing the learned J.M.F.C., Balasore before whom the case is now pending for trial to make endeavour to dispose of the case expeditiously preferably within a period of three months from today.

5. With the aforesaid observation, the CRLMC is disposed of.

6. Urgent certified copy of this order be granted as per rules.

7. Copy of this order be communicated to the learned J.M.F.C., Balasore by the Registry.

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(Savitri Ratho)
Judge

Bichi

